



IG Newsletter



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Thoughts from the IG

By LTC Christopher Hatley

Recently, I came across some of the Government Accounting Office publications. They are specific when it comes to subsistence and use of the Government Purchase Card (GPC). The money for the GPC comes from appropriated funds (APF). We are not to use any APF monies for personal use. The long and short of it is: Don't buy subsistence items with the GPC. This includes "free food to government employees...." "The *free food* rule applies to snacks and refreshments as well as meals...Similarly prohibited was the purchase of coffeemakers and cups."

To avoid confusion, maybe it's best to be blunt: I recommend, if you are thinking about using APF for items you put into your mouth, reconsider the purchase. One point of rationale, put forth by GAO, is our pay, i.e., our pay is adequate to cover our subsistence costs. I'm not talking about being in the field and mess hall operations. I am talking about categorically unofficial events, activities, gatherings, etc., no matter how "official" they may appear. The definition of what constitutes an appropriate use of APF for subsistence items is extremely narrow.

Suffice it to say, "...as a general rule...appropriated funds are not available to pay subsistence to government employees at their official duty stations...."

One last thought on this issue. I wouldn't buy pizza, doughnuts, coffee, cokes, crackers, sugar, napkins, cups, flatware, candy, treats, or anything else of this nature with the GPC. [All quotes are from GAO's, Principles of Federal Appropriations Law, Second Edition, Volume I, July 1991.]

Why do Soldiers and Spouses come to the Inspector General's Office?

By SFC James Jacks

Soldiers, spouses, and civilians come to the IG for all kinds of reasons, but mostly because they have a problem they need help solving. In many cases, the problem can be solved with intervention from the chain of command. In fact, one of the first questions we ask a complainant is, "Have you talked to the commander or first sergeant?" It is essential for the chain of command to know about issues within the unit, and to take action. There are cases where the chain of command has been notified, but has not assisted the complainant to their satisfaction. In these cases, we contact the chain of command, to hear their side of the story. It is always important for us to gather all the facts, from all parties involved.

Some cases brought to us simply involve a perception of wrongdoing on the part of someone in a leadership position or position of authority. In those cases, it is very important the commander take the allegation seriously and conduct a thorough commander's inquiry. It is not required that the inquiry be documented, but we at the Inspector General's Office highly recommend commanders maintain a record of each interview (whether or not it was a sworn statement) in Memorandum for Record format. We also recommend commanders provide a written reply to the request for commander's inquiry, and use these statements to back up their findings. The reason we request this information is for the protection of yourself and your soldiers. When someone makes an allegation, they bring evidence and make statements against someone else. We have to consider all the evidence we have. If we have nothing from the command except a statement indicating the command "found nothing to substantiate the allegation," we don't have much evidence on the soldier's side. Our standard of proof is preponderance of the evidence. That means more likely than not. Commanders can help themselves and their soldiers by conducting thorough commander's inquiries and documenting them.

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If I Have a Temporary Profile and Meet the Cutoff Score, Can I be Promoted to Sergeant without PLDC?

By SFC James Jackson

Yes, you can be conditionally promoted to Sergeant without PLDC, but you need to know all the facts. According to AR 600-8-19, Enlisted Promotions and Reductions, dated 13 Sep 02, paragraph 1-27d, "Conditional promotion to SGT (Effective 1 May 2001), "(1) Conditional promotions for soldiers who have met a cutoff score and are otherwise qualified, but have not completed PLDC, are authorized under any of the following conditions (when approved by the promotion authority): (c) When on a temporary profile that prohibits PLDC attendance. The promotion authority must submit a copy of DA Form 3349 or equivalent document (Physical Profile) with the conditional promotion approval."

In order to process the approval for conditional promotion, paragraph 1-27d(2)(a) states, "The promotion authority approves (on a memorandum or DA Form 4187) conditional promotion to sergeant. Promotion authority will state on the approval that the soldier is otherwise fully eligible and will attend PLDC."

Remember, if you receive a conditional promotion, you must attend and pass PLDC within the next year in order to retain the promoted status. Paragraph 1-27d(3) states, "Conditional promotions to Sergeant will not exceed 12 months. Those soldiers who fail to successfully complete or do not attend their scheduled NCOES class within 12 months of the promotion will be administratively reduced in rank within 12 months from the effective date of conditional promotion or prior to ETS, whichever occurs first. Approvals must be forwarded to the local PSB or MPD for processing and publication of promotion orders in accordance with paragraph 7-16d. These soldiers will be required to reappear before a promotion board to regain promotable status."

Paragraph 7-16d states, "Soldiers conditionally promoted in accordance with paragraphs 1-27 and 3-29b of this regulation are administratively reduced to the grade previously held upon failure to complete the training requirement established in that provision."

You also need to know that conditional promotions do not apply to everyone. Paragraph 1-27d(4) states, "Soldiers who have previously failed or failed to attend a scheduled PDC class are not entitled to receive conditional promotions to SGT."

For more information on conditional promotion to Sergeant, see AR 600-8-19, paragraph 1-27 and paragraph 7-16. Remember the final decision for a conditional promotion rests with the promotion authority. For promotion to Sergeant, that is a battalion-level commander per AR 600-8-19, paragraph 3-1b, which states, "Field grade commanders in units authorized a commander in the grade of LTC and higher have promotion authority to the grades of SGT and SSG; however, the Promotions Workcenter maintains the recommended list and issues the orders."

(Why Do Soldiers & Spouses... Continued from page 1)

There are other cases where soldiers say their commander or supervisor would not let them come to the IG Office. While every soldier has a right to come to the IG, that right does not preclude their duty to their unit. Commanders may have missions that take precedence over a soldier coming to the IG. The unit may be in the field. As long as the delay is reasonable, and the soldier is allowed to come to the IG upon completion of the mission, there is nothing which requires commanders to release soldiers immediately to go to the IG.

If the Inspector General calls and seeks information about a particular soldier's situation, remember we are gathering facts. We have not decided anyone is guilty of anything. We are here to help the whole community run better. We gather facts from all relevant sources before drawing conclusions and making recommendations to the chain of command. If commanders give us the facts they've gathered from their soldiers and other relevant sources, in a well-documented manner, we have more evidence to weigh, and are better able to make good recommendations to commanders, and provide better support to the community.



Can a Soldier Request Separation from the Army in Accordance with Chapter 18 (Failure to Meet Body Fat Standards)? Who is the Approving Authority for this Chapter?

By SFC Martha E. McClelland

No, a soldier may not request separation for failure to meet body fat standards. AR 635-200, Enlisted Separations, 1 November 2000, paragraph 18-1 states, "Soldiers who fail to meet the body fat standards set forth in AR 600-9 are subject to **involuntary** separation per this chapter when such condition is the sole basis for separation."

Further guidance reference paragraph 18-2(2) states, "If no medical condition exists, initiation of separation proceedings, or a local bar to reenlistment, is required for soldiers who do not make minimum satisfactory progress and still exceed the body fat standards for two consecutive months, or after a period of 6 months, in the Army body fat reduction program."

Per the same regulation, paragraph 1-19a states, "Commanders who are general courts-martial convening authorities (GCMCA) and their superior commanders are authorized to order separation."

Is it Appropriate for me to Wear my Motorcycle Helmet to the Building, after I get off my Motorcycle or Sport Bike?

By SFC Lisa Shropshire

No. You are to wear your Army headgear once you dismount your vehicle. AR 670-1, Wear and Appearance of Army Uniforms and Insignia, paragraph 1-17a states, "Protective headgear. Soldiers are authorized to wear commercially designed, protective headgear with the uniform when operating motorcycles, bicycles, or other like vehicles, and are required to do so when installation regulations mandate such wear. Personnel will remove protective headgear and don authorized Army headgear upon dismounting from the vehicle."

The Secretary of the Army has determined that the publication of this periodical is necessary in the transaction of the public business as required by law of the Department. The views and opinions expressed in this newsletter are not necessarily those of the Department of the Army or of the command, but wherever possible, are supported by referenced Army regulations, policies, or procedures.

Can my Active Duty Spouse and I Both be Assigned to the Same Company?

By CPT Valerie N. McNelly

Technically, yes. AR 614-200, paragraph 5-18a states, "Married soldiers will not be assigned so that they will be in their spouse's rating chain." As long as the two married soldiers are not in each other's rating chain, there is no prohibition against assigning a married Army couple to the same company.

However, it is a **command decision** whether or not to assign a married couple to the same company. Commanders have a responsibility to maintain good order and discipline within their units. AR 600-20, Army Command Policy, paragraph 1-5c states, "...The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units. This sets the parameters within which command will be exercised and therefore, sets the tone for social and duty relationships within the command." Paragraph 1-5d states, "Soldiers are assigned to stations or units where their services are required. The commanding officer then assigns appropriate duties." Paragraph 4-1c states, "Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors."

What all of this means is a commander has the authority to decide whether or not to assign a married couple in the same unit. If a commander concludes this assignment would be prejudicial to the good order and discipline of the unit, the commander has the authority to refuse to assign the couple together.

Where can I find out about the Married Army Couples Program?

By CPT Valerie N. McNelly

The two primary regulations governing the Married Army Couples Program are: AR 614-100, Officer Assignments Policies, Details, and Transfers, paragraph 5-3, and AR 614-200, Enlisted Assignments and Utilization Management, Section IV, paragraphs 5-16 through 5-21.

If you have further questions regarding the Married Army couples program, go online to:

<https://www.perscomonline.army.mil/enlist/macp.htm>

I am Married to Another Soldier and we are Separated, do I have to give them Support?

By SFC Vermantha Ausborne

You don't have to provide support to the spouse who is also a military member, but you may have to provide support to the spouse for any dependent children you have. It depends on your family situation. If you have children, you may be required to provide support, depending on which military member has custody. If each military member in a dual military couple has custody of at least one child, neither provides support to the other member.

According to AR 608-99, Family Support, Child Custody, and Paternity, paragraph 2-6d(4) states, "*Soldier married to another person on active duty in one of the military services*. In the absence of a written financial support agreement or a court order containing a financial support provision, a soldier is not required to provide financial support to a spouse on active duty in one of the military services. With regard to a soldier's child or children (from that marriage or a prior marriage) a soldier will provide the following financial support in the absence of a written financial support agreement or a court order containing a financial support provision:

(a) If the soldier does not have custody of any children, the soldier will provide BAQ-DIFF to the military member having custody of the child or children.

(b) If the soldier has custody of one or more children, the soldier is not required to provide financial support for a child or the children in the custody of the other military member."

What are Guidelines for Corrective Training?

By CPT Valerie N. McKnelly

AR 600-20, Army Command Policy, dated 13 May 2002, paragraph 4-6, Exercising Military Authority, subparagraph b states, "One of the most effective administrative corrective measures is extra training or instruction (including on-the-spot correction). For example, if soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner.

If soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming." It is important to ensure the corrective training is not punishment or a form of hazing. It should be aimed at correcting the deficiency, making the soldier better.

In the same regulation, paragraph 4-6b(1) states, "The training, instruction, or correction given to a soldier to correct deficiencies must be **directly related to the deficiency**. It must be oriented to improving the soldier's performance in his or her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command."

If you have any question as to whether or not a proposed form of corrective training is appropriate or not, consult your Judge Advocate.

